

PATENT

(Practitioner's Docket No. IN- 5551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of

Manuela ARMBRUST et al.

Serial No.: 10/049,532

Filed: February 12, 2002

For: Sol-Gel Coating

Group Art Unit: not yet assigned

Examiner: not yet assigned

Assistant Commissioner of Patents
Washington, D.C. 20231CERTIFICATE OF FACSIMILE TRANSMISSION

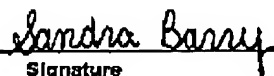
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PATENT

(Practitioner's Docket No. IN-5551)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:

Manuela ARMBRUST et al.

US Serial No.: 10/049,532

Filed: February 12, 2002

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Sandra Barry
Sandra Barry

**COMMUNICATION FOR SUBMITTING THE ENGLISH TRANSLATION OF THE
INTERNATIONAL PRELIMINARY EXAMINATION REPORT**

Hon. Assistant Commissioner for Patents
Washington, DC 20231

Sir:

Submitted herewith is a copy of the English Translation of the International
Preliminary Examination Report for the above-mentioned patent application.

Applicant believes that no fee is required for submitting the English Translation of the
International Preliminary Examination Report. However, if applicant has inadvertently
overlooked the need for a fee the Commissioner is hereby authorized to charge any
additional fees or credit any overpayment to Deposit Account No. 23-3425.

This form is submitted in triplicate.

Respectfully Submitted,

Michael F. Morgan
Michael F. Morgan
Registration No. 42,906

Date: June 10, 2002
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26701 Telegraph Road
Southfield, Michigan 48034-2442
(248)-948-2021

Customer No. 26922

Translation

PATENT COOPERATION TREATY

PCT

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

(PCT Article 36 and Rule 70)

3

Applicant's or agent's file reference PAI99195PCT	FOR FURTHER ACTION See Notification of Transmittal of International Preliminary Examination Report (Form PCT/IPEA/416)	
International application No. PCT/EP00/08031	International filing date (day/month/year) 17 August 2000 (17.08.00)	Priority date (day/month/year) 27 August 1999 (27.08.99)
International Patent Classification (IPC) or national classification and IPC C09D 133/06		
Applicant BASF COATINGS AG		

1. This international preliminary examination report has been prepared by this International Preliminary Examining Authority and is transmitted to the applicant according to Article 36.
2. This REPORT consists of a total of 4 sheets, including this cover sheet.

☐ This report is also accompanied by ANNEXES, i.e., sheets of the description, claims and/or drawings which have been amended and are the basis for this report and/or sheets containing rectifications made before this Authority (see Rule 70.16 and Section 607 of the Administrative Instructions under the PCT).

These annexes consist of a total of _____ sheets.

3. This report contains indications relating to the following items:

- I ☒ Basis of the report
- II ☐ Priority
- III ☐ Non-establishment of opinion with regard to novelty, inventive step and industrial applicability
- IV ☐ Lack of unity of invention
- V ☒ Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement
- VI ☐ Certain documents cited
- VII ☐ Certain defects in the international application
- VIII ☐ Certain observations on the international application

Date of submission of the demand 03 February 2001 (03.02.01)	Date of completion of this report 23 August 2001 (23.08.2001)
Name and mailing address of the IPEA/EP	Authorized officer
Facsimile No.	Telephone No.

Form PCT/IPEA/409 (cover sheet) (January 1994)

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP00/08031

I. Basis of the report

1. This report has been drawn on the basis of (Replacement sheets which have been furnished to the receiving Office in response to an invitation under Article 14 are referred to in this report as "originally filed" and are not annexed to the report since they do not contain amendments):

☐ the international application as originally filed.

☒ the description, pages 1-56, as originally filed,
pages _____, filed with the demand,
pages _____, filed with the letter of _____,
pages _____, filed with the letter of _____.

☒ the claims, Nos. 1-28, as originally filed,
Nos. _____, as amended under Article 19,
Nos. _____, filed with the demand,
Nos. _____, filed with the letter of _____,
Nos. _____, filed with the letter of _____.

☐ the drawings, sheets/fig _____, as originally filed,
sheets/fig _____, filed with the demand,
sheets/fig _____, filed with the letter of _____,
sheets/fig _____, filed with the letter of _____.

2. The amendments have resulted in the cancellation of:

☐ the description, pages _____

☐ the claims, Nos. _____

☐ the drawings, sheets/fig _____

3. ☐ This report has been established as if (some of) the amendments had not been made, since they have been considered to go beyond the disclosure as filed, as indicated in the Supplemental Box (Rule 70.2(c)).

4. Additional observations, if necessary:

INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 00/08031

V. Reasoned statement under Article 35(2) with regard to novelty, inventive step or industrial applicability; citations and explanations supporting such statement

1. Statement

Novelty (N)	Claims	1-28	YES
	Claims		NO
Inventive step (IS)	Claims	1-28	YES
	Claims		NO
Industrial applicability (IA)	Claims	1-28	YES
	Claims		NO

2. Citations and explanations

This report makes reference to the following document:

D1: XP-002153878: Chemical abstract 84: 123536w,
volume 84 number 18, 03 May 1976.

The present claims are novel (PCT Article 33(2)).

Document D1 is considered to be the closest prior art and discloses a sol-gel coating material which has the components a1, a2, a3, B, C1 and C3 of Claim 1 of the application, but which differs from the subject matter of Claim 1 in that it does not specify a thio compound C2 of the general formula III.

The present claims involve an inventive step (PCT Article 33(3)).

The aim of the present invention is to provide a new sol-gel coating material which is used as an additional, fast-acting, scratch-resistant coating for finished coats that are already cured, without the occurrence of any adhesion problems. None of the documents cited in the search report mentions or suggests the solution according to the application, namely the use of a thio compound C2 of the

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BASF SOUTHFIELD LEGAL
Pres. Fitzner & PUNCH - 00012489482093

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INTERNATIONAL PRELIMINARY EXAMINATION REPORT

International application No.

PCT/EP 00/08031

general formula III.

Industrial applicability is established (PCT Article
33(4)).